
# Korea, Democratic People's Republic of

Country Reports on Human Rights Practices - 2003
Released by the Bureau of Democracy, Human Rights, and Labor
February 25, 2004

The Democratic People's Republic of Korea [1] (DPRK or North Korea) is a dictatorship under the absolute rule of Kim Jong Il, General Secretary of the Korean Workers' Party (KWP) since October 1997. In 1998, the Supreme People's Assembly reconfirmed Kim Jong Il as Chairman of the National Defense Commission and declared that position the "highest office of state." The presidency was abolished, leaving Kim Jong Il's father, the late Kim Il Sung, as the DPRK's "eternal president." During the year, the Korean People's Army (KPA) continued to displace the KWP as Kim Jong Il's chief instrument for making and implementing policy. The titular head of state is Kim Yong Nam, the President of the Presidium of the Supreme People's Assembly. Elections for the 687-member Assembly were held in August. Only the KWP and two small satellite parties participated. The elections were not free. Kim Jong Il and his father were the objects of an intense personality cult and the regime continued to cling to "juche," a national ideology of self-reliance, even though the population was dependent on international aid for its survival. The judiciary is not independent.

The DPRK is one of the world's most militarized states. The KPA is the primary organization responsible for external security. A large military reserve force and several quasi-military organizations, including the Worker-Peasant Red Guards and the People's Security Force, assist it. These organizations also assisted the large internal security apparatus, which includes the Ministry of Public Security [MPS], the State Security Department, the National Security Agency, the National Security Police, and the KWP. Members of the security forces have committed serious human rights abuses.

North Korea has had one of the most centralized and tightly controlled economies in the world; however, citizens increasingly have tried to work in the informal economy, in recent years, to cope with shortages of food and other necessities. Only government-controlled labor unions are permitted in this country of 22 million persons. Industry continued to operate at very low capacity, reflecting antiquated plant and equipment and severe shortages of inputs. Heavy military spending, which is estimated at more than one quarter of gross domestic product (GDP), hampered economic development. The economy also was hampered by a lack of access to commercial lending stemming from the country's default on its foreign debt and its inability to obtain loans from international financial institutions. Rarely self-sufficient in food supplies, the country relied on international aid and trade to supplement domestic production. Economic and political conditions have caused at least tens of thousands of persons to flee their homes since the mid-1990s. To relieve food shortages, the Government permitted an increase in the number of private vendors to compensate for the contraction of food supplied through the public distribution system. Food, clothing, and energy provided by the Government were rationed throughout the country. To encourage economic development, in 2002 the Government raised wages and prices drastically, sharply devalued its currency, and announced that it would grant managers more responsibility. These changes sparked a dramatic rise in inflation, but failed to re-energize industrial growth. The regime remained committed to the notion of establishing special economic zones as "capitalist" enclaves to attract foreign direct investment, but no significant progress was recorded during the year.

The Government's human rights record remained extremely poor, and it continued to commit numerous serious abuses. Citizens do not have the right to change their government, and the leadership views most international human rights norms, particularly individual rights, as illegitimate, alien, and subversive to the goals of the State and Party. There continued to be reports of extrajudicial killings, disappearances, and arbitrary detention including many who were held as political prisoners. Prison conditions were harsh, and torture reportedly was common. Credible eyewitness reports note that pregnant female prisoners underwent forced abortions, and in other cases babies reportedly were killed upon birth in prisons. The constitutional provisions for an independent judiciary and fair trials were not implemented in practice. The regime subjected its citizens to rigid controls over many aspects of their lives. The Penal Code is Draconian, stipulating capital punishment and confiscation of assets for a wide variety of "crimes against the revolution," including defection, attempted defection, slander of the policies of the Party or State, listening to foreign broadcasts, writing "reactionary" letters, and possessing reactionary printed matter. Citizens are denied freedom of speech, the press, assembly, and association; all forms of cultural and media activities are under the tight control of the KWP. Little outside information reaches the public except that which is approved and disseminated by the Government. The Government restricted freedom of religion, citizens' movement, and worker rights. There were reports of trafficking in women and young girls among refugees and workers crossing the border into China. In April, the U.N. Commission on Human Rights for the first time adopted a resolution on the situation of human rights in the DPRK, which, among other things, "expresses its deep concern about reports of systemic, widespread and grave violations of human rights…."

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary and Unlawful Deprivation of Life

Defectors and refugee reports over several years indicate that the regime executed political prisoners, opponents of the regime, some repatriated defectors, and others, including military officers suspected of espionage or of plotting against Kim Jong Il. Criminal law makes the death penalty mandatory for activities "in collusion with imperialists" aimed at "suppressing the national liberation struggle." Prisoners have been sentenced to death for such ill-defined "crimes" as "ideological divergence," "opposing socialism," and "counterrevolutionary crimes." In its 2001 report to the U.N. Human Rights Committee, the Government claimed that it had reduced the number of criminal offences carrying the death penalty from 33 to 5; the Committee, while welcoming this reduction, noted that 4 of the 5 offences were essentially political and "couched in terms so broad that the imposition of the death penalty may be subject to essentially subjective criteria, and not confined to the 'most serious crimes' only…." In some cases, executions reportedly were carried out at public meetings attended by workers, students, school children, and before assembled inmates at places of detention. Border guards reportedly have orders to shoot to kill potential defectors. Similarly, prison guards are under orders to shoot to kill those attempting escape from political concentration camps, according to defectors.

Defectors have reported that government officials prohibit live births in prison. Forced abortion and the killing of newborn babies reportedly were standard prison practices (see Section 1.c.).

Religious and human rights groups outside the country reported that members of underground churches have been killed because of their religious beliefs and suspected contacts with overseas evangelical groups operating across the Chinese border (see Section 2.c.).

Many prisoners reportedly have died from beatings, disease, starvation, or exposure (see Section 1.c.).

b. Disappearance

The Government reportedly was responsible for cases of disappearance. Defectors in recent years have claimed that individuals suspected of political crimes often were taken from their homes by state security officials and sent directly, without trial, to camps for political prisoners. There are no practical restrictions on the ability of the Government to detain and imprison persons at will and to hold them incommunicado.

Numerous reports indicated that ordinary citizens are not allowed to mix with foreign nationals, and Amnesty International has reported that a number of citizens who maintained friendships with foreigners have disappeared.

There also were long-standing reports of past government involvement in the kidnapping abroad of South Koreans, Japanese, and other foreign nationals. In September 2002, Kim Jong Il acknowledged to Japanese Prime Minister Koizumi the involvement of DPRK "special institutions" in the kidnapping of Japanese citizens and said that those responsible had been punished. Japanese officials reported that these abductions took place between 1977 and 1983. Five surviving victims were allowed to visit Japan in October 2002, and they decided to remain in Japan. Japan also seeks an accounting for 10 Japanese said to be dead or never to have entered North Korea and hopes to gain answers regarding 20 other cases of suspected abductions of Japanese nationals.

Many South Koreans are believed to have been abducted in the 1970s and 1980s. The South Korean Government has compiled a list of 486 South Korean citizens, most of whom were fishermen, abducted since the 1950-53 Korean War.

In addition, other reported cases of kidnapping, hostage-taking, and other acts of violence took place, apparently intended to intimidate ethnic Koreans living in China and Russia. Despite the admission to Prime Minister Koizumi, the Government continued to deny that it had been involved in kidnappings of other foreign nationals.

Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

In its 2001 submission to the U.N. Human Rights Committee, the Government claimed that torture is prohibited by law; however, a number of sources confirm its practice. According to a report by the U.S. Committee for Human Rights in North Korea (USCHRNK), torture "is routine and severe." Methods of torture reportedly routinely used included severe beatings; electric shock; prolonged periods of exposure; humiliations such as public nakedness; confinement to small "punishment cells," in which prisoners were unable to stand upright or lie down, where they could be held for several weeks; being forced to kneel or sit immobilized for long periods; being hung by one's wrists; being forced to stand-up and sit-down to the point of collapse; and, forcing mothers recently repatriated from China, to watch the infanticide of their newly born infants. Defectors reported that many prisoners have died from torture, disease, starvation, exposure, or a combination of these causes. There were allegations of lethal gas experiments on prisoners.

Since 2002, China has deported thousands of North Korean women, some of whom were pregnant, and many of whom were imprisoned upon their return. Reportedly, North Korean officials prohibited live births in prison and forced abortions were regularly performed, particularly in detention centers holding women repatriated from China. Those sources further indicate that, in cases of live birth, the child was immediately killed. According to reports, the reason given for this policy was to prevent the birth of half-Chinese children. In addition, guards sexually abused female prisoners.

Prison conditions were harsh; starvation and executions were common. "Reeducation through labor" is a common punishment, consisting of forced labor, such as logging, mining, or tending crops under harsh conditions, and reeducation consisting of memorizing speeches by Kim Jong Il and being forced to participate in self-criticism sessions after labor. Visitors to the country have observed prisoners being marched in leg irons, metal collars, or shackles. In some places of detention, prisoners were given little or no food and, when they contract illnesses, were denied medical care. Sanitation was poor, and prisoners reported rarely being able to bathe, or wash their clothing, and having no change of clothing during months of incarceration.

In June 2002, Lee Soon-ok, a woman who spent several years in a prison camp before fleeing to China in 1994 and then to the Republic of Korea (South Korea), testified before the U.S. Senate that the approximately 1,800 inmates in her camp typically worked 16 to 17 hours a day. Lee witnessed severe beatings and incidents of torture involving forcing water into a victim's stomach with a rubber hose followed by guards jumping on a board placed across the victim's abdomen. Lee also testified that chemical and biological warfare experiments were conducted on inmates by the army. Other defectors reported similar experiences. At Camp 22 in Haengyong, approximately 50,000 prisoners worked under conditions that reportedly resulted in the death of 20 to 25 percent of the prison population per year in the 1990s.

Other witnesses who testified before the U.S. Congress in 2002 stated that prisoners held on the basis of their religious beliefs generally were treated worse than other inmates (see Section 2.c.).

In Washington in October, Kim Yong, a former police Lieutenant Colonel, told USCHRNK that, as an inmate in a political prison camp, he had been forced to kneel for long periods with a steel bar placed between his knees and calves, been suspended by his handcuffed wrists, and submerged in waist-deep cold water for extended periods.

The Government did not permit inspection of prisons by human rights monitors.

d. Arbitrary Arrest, Detention, or Exile

There are no restrictions on the ability of the Government to detain and imprison persons at will and to hold them incommunicado. Family members and other concerned persons reportedly find it virtually impossible to obtain information on charges against or the length of sentences of detained persons. Judicial review of detentions does not exist in law or in practice.

An estimated 150-200,000 persons are believed to be held in detention camps in remote areas for political reasons. Satellite imagery of these camps made available during the year revealed they may cover areas as large as 200 square miles and contain mass graves in addition to barracks, work sites, and other prison facilities. The Government has denied the existence of prison camps for political prisoners, which are marked as military areas to prevent access by the local population. In recent years, the Government has reportedly reduced the total number of prison camps from approximately 20 to less than 10, but the prison population was consolidated rather than reduced. During the year, a defector who had been a ranking official in the Ministry of Public Security told USCHRNK that conditions in the camps for political prisoners were extremely harsh and prisoners are not expected to survive. In these camps, prisoners received little food and no medical provisions.

Collective punishment is practiced. Entire families, including children, have been imprisoned when one member of the family was accused of a crime. In November, an investigator for a human rights nongovernmental organization (NGO) said that punishment could be extended to imprison three generations of a family for life at hard labor.

The Government is not known to use forced exile. However, the Government routinely uses forced internal resettlement and has relocated many tens of thousands of persons from Pyongyang to the countryside, although not always as punishment for offenses. For example, although disabled veterans are treated well, other persons with physical disabilities, as well as those judged to be politically unreliable, have been sent out of the city into internal exile.

e. Denial of Fair Public Trial

The Constitution states that courts are independent and that judicial proceedings are to be carried out in strict accordance with the law; however, an independent judiciary does not exist in practice. Moreover, the Constitution also mandates that the Central Court is accountable to the Supreme People's Assembly, and the Criminal Code subjects judges to criminal liability for handing down "unjust judgments." Furthermore, individual rights are not acknowledged. The Public Security Ministry dispensed with trials in political cases and referred prisoners to the Ministry of State Security for punishment. Little information was available on formal criminal justice procedures and practices, and outside observation of the legal system has been limited to show trials for traffic violations and other minor offenses.

The Constitution contains elaborate procedural protections. It states that cases should be heard in public, except under some

circumstances stipulated by law. The Constitution also states that the accused has the right to a defense, and when trials were held, the Government reportedly assigned lawyers. Some reports noted a distinction between those accused of political crimes and common criminals, and stated that the Government afforded trials or lawyers only to the latter. The Government considered critics of the regime to be political criminals.

Past reports have described political offenses as including sitting on newspapers bearing Kim Il Sung's picture, noting DPRK founder Kim Il Sung's limited formal education, or defacing photographs of the two Kims. Foreigners are not exempt from such rules. In one case a foreigner working on international broadcasts for the regime was imprisoned for 1 year without trial for criticizing the quality of the regime's foreign propaganda and then imprisoned for 6 more years (with trial) when, after his release, he claimed in a private conversation that his original imprisonment was unjust.

Common criminals were occasionally amnestied on the occasion of Kim Il Sung's or Kim Jong Il's birthday.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides for the inviolability of person and residence and the privacy of correspondence; however, the Government does not respect these provisions in practice. The regime subjects its citizens to rigid controls. The Government relies upon a massive, multi-level system of informers to identify critics and potential troublemakers. Whole communities sometimes are subjected to security checks. The possession of "reactionary material" and listening to foreign broadcasts are crimes that could subject the transgressor to harsh punishments. As noted above, entire families could be punished for alleged political offenses committed by one member of the family. Defectors have reported that families were punished because children had accidentally defaced photographs of the two Kims (see Section 1.e.).

The Government monitored correspondence and telephone conversations. Telephones essentially are restricted to domestic service, although some international service was available on a very restricted basis.

The Constitution provides for the right to petition. However, when an anonymous petition or complaint about state administration was submitted, the Ministries of State Security and Public Safety sought to identify the author, who could be subjected to investigation and punishment.

Since the late 1950s, the regime has divided society into three main classes: "core," "wavering," and "hostile." Security ratings are assigned to each individual; according to some estimates, nearly half of the population is designated as either "wavering" or "hostile." Loyalty ratings determine access to employment, higher education, place of residence, medical facilities, and certain stores. They also affect the severity of punishment in the case of legal infractions. While there were signs that this rigid system has been relaxed somewhat in recent years, it remained a basic feature of KWP political control.

Citizens with relatives who fled to the Republic of Korea at the time of the Korean War still appeared to be classified as part of the "hostile class." One defector estimated that those considered potentially hostile comprised 25 to 30 percent of the population; others placed the figure at closer to 20 percent. Members of this class still were subject to discrimination, although defectors reported that their treatment had improved greatly in recent years.

Citizens of all age groups and occupations are subject to intensive political and ideological indoctrination. The cult of personality of Kim Jong Il and his father and the official "juche" ideology has declined somewhat, but remained an important ideological underpinning of the regime, approaching the level of a state religion. Since 2002, the regime increasingly has emphasized an "army first" policy, purportedly necessitated by the external threat. Indoctrination is intended to ensure loyalty to the system and leadership, as well as conformity to the State's ideology and authority. The necessity for the intensification of such indoctrination is repeatedly stressed in the writings of Kim Jong Il, who attributed the collapse of the Soviet Union largely to insufficient ideological indoctrination, compounded by the entry of foreign influences.

Indoctrination was carried out systematically: through the mass media, in schools, and through worker and neighborhood associations. Kim Jong Il has stated that ideological education must take precedence over academic education in the nation's schools, and he also called for the intensification of mandatory ideological study and discussion sessions for adult workers. Indoctrination also involved mass marches, rallies, and staged performances, sometimes involving hundreds of thousands of persons. In September, a crowd estimated to be in the hundreds of thousands celebrated the 55th anniversary of the founding of the DPRK with parades and carefully choreographed demonstrations.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and the press; however, the Government prohibits the exercise of these rights in practice. Articles of the Constitution that require citizens to follow "socialist norms of life" and to obey a "collective spirit" take precedence over individual political and civil liberties. The regime only permits activities that support its objectives. Authorities punished persons for criticizing the regime or its policies with imprisonment or "corrective labor." Persons reportedly have been placed under surveillance through their radio sets, and imprisoned and executed for statements made at home that were critical

of the regime.

The Government sought to control virtually all information. Claiming that the country is under continuing threat of armed aggression, the Government carefully managed visits by foreigners, especially foreign journalists. On occasion, when it served its agenda, the Government allowed foreign media to cover certain events. In October, a South Korean television network was allowed to send a crew of 270 to Pyongyang to broadcast an inter-Korean basketball game. On occasion, during visits by foreign leaders, groups of foreign journalists were permitted to accompany official delegations and to file reports. In all cases, journalists were strictly monitored. They were not generally allowed to talk to officials or to persons on the street, and cellular or satellite phones were confiscated for the duration of a visitor's stay.

Domestic media censorship was enforced strictly, and no deviation from the official government line was tolerated. The regime prohibits listening to foreign media broadcasts except by the political elite, and violators are subject to severe punishment. Radios and television sets receive only domestic programming; radios obtained from abroad must be submitted for alteration to operate in a similar manner. Private telephone lines operated on an internal system that prevented making and receiving international calls; international phone lines were available only under very restricted circumstances. Some deluxe hotels in Pyongyang offered Internet service for foreign visitors, but for citizens, Internet access was limited to high-ranking officials with a "need to know." This access was provided via international telephone lines to a provider in China.

The Government severely restricted academic freedom and controlled artistic and academic works. A primary function of plays, movies, operas, children's performances, and books is to contribute to the cult of personality surrounding Kim Il Sung and Kim Jong Il.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly; however, the Government did not respect this provision in practice. The Government prohibits any public meetings without authorization.

The Constitution provides for freedom of association; however, the Government did not respect this provision in practice. There are no known organizations other than those created by the Government. Professional associations existed primarily to facilitate government monitoring and control over the organizations' members.

c. Freedom of Religion

The Constitution provides for "freedom of religious belief"; however, in practice the Government severely discouraged organized religious activity except as supervised by officially recognized groups. In 1992, a constitutional change authorized religious gatherings, provided for "the right to build buildings for religious use," and deleted a clause about freedom of anti-religious propaganda. The Constitution also stipulates that religion "should not be used for purposes of dragging in foreign powers or endangering public security." Genuine religious freedom did not exist.

Several government-sponsored religious organizations served as interlocutors with foreign church groups and international aid organizations. Foreigners who met with representatives of these organizations believed that some were genuinely religious but noted that others appeared to know little about religious dogma, liturgy, or teaching.

The number of religious believers was unknown but has been estimated by the media and religious groups at 10,000 Protestants, 10,000 Buddhists, and 4,000 Catholics, in addition to an undetermined number of persons belonging to underground Christian churches. Some sources estimated that as many as 500 informal Christian congregations were active during the year. In its July 2002 report to the U.N. Human Rights Committee, the Government reported the existence of 500 "family worship centers," an apparent reference to these congregations. Some reports indicated that such "house churches" have been increasingly tolerated as long as they do not openly proselytize or have contact with foreign missionaries. The Chondogyo Young Friends Party, a government-sponsored group based on a traditional Korean religious movement, also remained in existence.

Most of the 300 Buddhist temples in the DPRK were regarded as cultural relics, but in some of them religious activity was permitted. Since 1988, two Protestant churches under lay leadership and a Roman Catholic church (without a priest) have opened in Pyongyang. Several schools for religious education exist, including 3-year religious colleges for training Protestant and Buddhist clergy. A religious studies program also was established at Kim Il Sung University in 1989; its graduates usually go on to work in the foreign trade sector. It was not known whether any Catholic priests remained in the country.

Hundreds of religious figures have visited the country in recent years, including papal representatives and religious delegations from the Republic of Korea, the United States, and other countries. Overseas religious relief organizations have been active in responding to the country's food crisis. Although some foreigners who visited the country stated that church activity appeared staged, others believed that church services were genuine, although sermons contained both religious and political content supportive of the regime. Foreign legislators attending services in Pyongyang during the year noted that the congregations all arrived at and departed the services as a group on tour buses.

Persons engaging in religious proselytizing can be arrested and are subject to harsh penalties, including imprisonment and prolonged detention without charge. The regime appeared to have cracked down on unauthorized religious groups in recent years, particularly on persons who proselytized or who had ties to overseas evangelical groups operating across the border in China. The Government appeared especially concerned about religiously based South Korean relief and refugee assistance efforts along the northeast border with China becoming entwined with political goals, including opposition to the regime. Some repatriated defectors who had established contacts with religiously based South Korean groups have reportedly been executed.

Religious and human rights groups outside the country continued to provide numerous but unconfirmed reports that thousands of members of underground churches have been beaten, arrested, detained in prison camps, or killed because of their religious beliefs. One unconfirmed report stated that approximately 400 Christians were executed during 2001. Though unconfirmable, the collective weight of anecdotal evidence of harsh treatment of unauthorized religious activity lends credence to such reports.

Little was known about the actual life of religious persons in the country. Members of government-recognized religious groups did not appear to suffer discrimination, perhaps because, as some reports claimed, they had been mobilized by the regime. Persons whose parents were believers but who themselves were non-practicing were able to rise to at least the mid-levels of the bureaucracy in recent years. Such individuals, as a category, suffered broad discrimination in the past. However, the regime continued to view religious believers belonging to underground congregations or with ties to evangelical groups in North China as subversive.

Persons who witnessed the treatment of persons held in prison camps through the early 1990s said that prisoners held on the basis of their religious beliefs generally were treated worse, sometimes much worse, than other inmates. One such witness, a former prison guard, testified that those believing in God were regarded as insane, since authorities taught, "all religions are opiates." He recounted an instance in which a woman was kicked repeatedly and left with her injuries unattended for days because a guard overheard her praying for a child who was being beaten.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for the "freedom to reside in or travel to any place"; however, the Government did not respect these rights in practice. In the past, the regime has controlled strictly internal travel, requiring a travel pass for any movement outside one's home village. Numerous reports in recent years suggested that, in part due to the worsening food conditions in the country and in part because of changing economic policies, internal travel rules have been relaxed to allow citizens to search for food, conduct local market activities, or engage in enterprise-to-enterprise business activities. However, only members of a very small elite had vehicles for personal use and the regime tightly controlled access to civilian aircraft, trains, buses, food, and fuel. The Government strictly controlled permission to reside in, or even to enter, Pyongyang, where food supplies, housing, health, and general living conditions were much better than in the rest of the country.

The regime issues exit visas for foreign travel only to officials and trusted artists, athletes, academics, and religious figures. It did not allow legal emigration, though officials in border areas have reportedly often taken bribes from or simply let pass persons crossing the border with China without required permits.

Since the mid-1990s, substantial numbers of North Koreans have crossed the border into China and have proceeded to the Republic of Korea, Hong Kong, Vietnam, and other Asian countries. Many of those who crossed into China during the year returned to North Korea after securing food.

The Penal Code makes defection and attempted defection (including the attempt to gain entry to a foreign embassy for the purpose of seeking political asylum) capital crimes. Many would-be refugees who were returned involuntarily have been imprisoned under harsh conditions; however, some have been executed (see Section 1.a.). USCHRNK interviewed witnesses who stated that "North Korean women who were pregnant when repatriated were subsequently subjected to forced abortions, or if the pregnancy was too advanced, were allowed to deliver their babies only to have them killed immediately after birth (based on the possibility that the Korean women had been impregnated by Han Chinese men)" (see Section 1.c.). Some migrants have stated that DPRK border guards have orders to shoot to kill persons attempting to cross the border into China, although many extra-legal border crossings did occur. The regime has reportedly retaliated against the relatives of some of those who managed to leave the country.

During the year, deportations of North Koreans from China continued. Most observers estimated that since 1994 there have been at least tens of thousands, and perhaps several hundred thousand North Koreans in China. Most crossed the border clandestinely in small groups to seek food, shelter, and work. Some have settled semi-permanently in Northeastern China, while others travel back and forth across the border. Since 2000, the Chinese Government has sporadically sought out and forcibly repatriated large numbers of these persons, whom PRC authorities regarded as illegal economic migrants. Deportations appeared to have risen in 2001 and 2002 after North Koreans began seeking onward travel to South Korea through high-profile tactics such as seeking asylum in diplomatic missions, although sufficient data to confirm this view was lacking. Deportations continued, albeit at a slower pace than in 2002.

During the year, over 1,500 North Koreans were able to travel to the Republic of Korea after seeking refuge primarily in South

Korean Consulates in China. However, there were reports that the Chinese authorities were warning church groups and others that have given shelter to North Koreans in the past to cease such activities or risk severe consequences.

North Koreans in Russia also suffered serious human rights abuses. Many were workers employed under harsh conditions under contracts entered into by the North Korean authorities with Russian firms. Many North Koreans in Russia had their passports and other identification confiscated by North Korean border guards and faced severe hardship due to their lack of any identification.

From 1959 to 1982, 93,000 Korean residents of Japan, including 6,637 Japanese wives, voluntarily repatriated to North Korea. Despite DPRK assurances that the wives, more than a third of whom still had Japanese citizenship, would be allowed to visit Japan every 2 or 3 years, none were permitted to do so until 1997. Many had not been heard from, and their relatives and friends in Japan were unsuccessful in their efforts to gain information about their condition and whereabouts. In 1997, the Government agreed to allow some of these Japanese wives to visit Japan. Some visits have taken place on an irregular basis since then. Although the Government has permitted an increasing number of overseas Koreans to visit relatives in North Korea over the past decade, most requests for such visits were denied.

Although a member of the U. N., the country did not participate in international refugee forums. The Government had no known policy or provision for refugees or asylees.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens do not have the right to change their leadership or government peacefully. The Korean Workers' Party and Korean People's Army, with Kim Jong Il in control, dominate the political system. Very little reliable information is available on intra-regime politics. The legislature, the Supreme People's Assembly (SPA), meets only a few days per year to rubber-stamp resolutions presented to it by the party leadership.

The regime justifies its dictatorship with arguments derived from concepts of collective consciousness and the superiority of the collective over the individual, appeals to nationalism, and citations of the juche ideology. The authorities emphasize that the core concept of juche is "the ability to act independently without regard to outside interference." Originally described as "a creative application of Marxism-Leninism" in the national context, juche is a malleable philosophy reinterpreted from time to time by the regime as its ideological needs changed. Though it was de-emphasized during the year, the concept is used by the regime as a "spiritual" underpinning for its rule.

In an effort to give the appearance of democracy, the Government has created several "minority parties." Lacking grassroots organizations, they exist only as rosters of officials with token representation in the SPA. Their primary purpose appeared to be promoting government objectives abroad as touring parliamentarians. Free elections did not exist, and the regime criticized the concept of free elections and competition among political parties as an "artifact" of "capitalist decay."

Elections to the SPA and to provincial, city, and county assemblies are held irregularly. Elections were held in 1990, 1998, and in August. In the August balloting, "all (687) candidates were successfully elected," according to the DPRK Central Election Committee. Kim Jong Il was elected to a seat with 100 percent of the vote of his constituency. Results of previous SPA elections produced virtually identical outcomes.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government has not permitted any independent domestic organizations to monitor human rights conditions or to comment on violations of such rights. A North Korean Human Rights Committee, established by the Government in 1992, has denied the existence of any human rights violations in the country.

In July 2001, a North Korean delegate reporting to the U.N. Human Rights Committee dismissed reports of human rights violations in the country as the propaganda of "egoistic" and "hostile forces" seeking to undermine the sovereignty of the country.

The Government has ignored requests for visits by international human rights organizations, and none were known to have visited since a 1996 Amnesty International visit. In 2002, the Government submitted a report on human rights to the U.N. Human Rights Committee.

A number of countries that have established relations with the DPRK in recent years have sought to engage it on human rights. In 2001 and 2002, North Korean officials and EU representatives held dialogues on human rights. North Korea emphasized that it had ratified most U.N. human rights instruments. Human rights concerns were further addressed during political consultations during the year. In April, the U.N. Commission on Human Rights for the first time adopted a resolution on the situation of human rights in the DPRK. The resolution, among other things, expressed "deep concern about reports of systemic, widespread and grave violations of human rights…and note(d) with regret that the authorities…have not created the necessary conditions to permit the international community to verify these reports…."

Although not involved in monitoring human rights, the World Food Program (WFP) visited 162 of the country's 206 counties during the year to monitor food distribution and survey nutritional needs. The number of WFP monitoring visits has increased since the WFP first established its presence in the DPRK in 1995. Monitoring visits could not be made on a random or short-notice basis, thus limiting their effectiveness in verifying that aid reached its intended recipients on a sustained basis. The WFP also was not allowed to bring in native Korean speakers for its staff. During the year, South Korean monitoring teams were allowed for the first time to observe briefly the distribution of food aid provided on a bilateral basis. For every 100,000 tons of food delivered, the Republic of Korea was allowed to send three monitoring teams to visit any of the previously agreed-upon distribution points.

Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution grants equal rights to all citizens. However, the Government denied its citizens most fundamental human rights in practice, and there was pervasive discrimination on the basis of social status.

Women

The Constitution states "women hold equal social status and rights with men"; however, although women were represented proportionally in the labor force, few women had reached high levels of the Party or the Government. Women reportedly made up 20 percent of the membership of the SPA, but only approximately 4 percent of the membership of the Central Committee of the KWP.

There was no information available on domestic and general societal violence against women; women prisoners reportedly were subject to rape and forced abortions (see Section 1.c.).

Working-age women, like men, are required to work. They were thus required to leave pre-school aged children in the care of elderly relatives or in state nurseries. According to the Constitution, women with large families are to work shorter hours. There were reports of trafficking in women and young girls among North Koreans crossing the border into China (see Section 6.f.).

Children

The State provides compulsory education for all children until the age of 15. However, some children were denied educational opportunities and subjected to other punishments and disadvantages as a result of the loyalty classification system and the principle of "collective retribution" for the transgressions of family members (see Section 1.f.).

Like others in society, children were the objects of intense political indoctrination; even mathematics textbooks propound party dogma. In addition, foreign visitors and academic sources reported that children from an early age were subjected to several hours a week of mandatory military training and indoctrination at their schools. School children sometimes were sent to work in factories or in the fields for short periods to assist in completing special projects or in meeting production goals.

There was some evidence that children have suffered disproportionately from the persistent food shortages. The WFP reported feeding 3 million children during the year, a reduction from its assistance to 4 million children in 2002, caused by a shortfall in donor contributions. A nutrition survey carried out in 2002 by UNICEF and the WFP, in cooperation with the Government, found that in the sample of 6,000 children, 20 percent were underweight, 39 percent were stunted, and 8 percent were severely malnourished; however, this was an improvement compared to a 1998 UNICEF/WFP survey.

In practice, children did not enjoy any more civil liberties than adults. The U.N. Committee on the Rights of the Child has repeatedly expressed concern over de facto discrimination against children with disabilities and the insufficient measures taken by the state to ensure that these children had effective access to health, education, and social services, and to facilitate their full integration into society.

Information about societal or familial abuse of children is unavailable. There were reports of trafficking in young girls among persons crossing the border into China (see Section 6.f.).

Persons with Disabilities

Traditional social norms condone discrimination against persons with physical disabilities. Apart from veterans with disabilities, persons with disabilities were almost never seen within the city limits of Pyongyang, and several defectors and other former residents reported that persons with disabilities were routinely relocated to rural areas. Furthermore, some NGO reports claimed that these persons, along with some sick and elderly persons from the capital, were predominantly sent to the northeastern part of the country, where the Government reportedly no longer distributed international food aid. However, recent visitors to Pyongyang have reported seeing handicapped people on the streets of the capital. There are no legally mandated provisions for accessibility to buildings or government services for persons with disabilities.

Section 6 Worker Rights

a. The Right of Association

Nongovernmental labor unions do not exist. The KWP purports to represent the interests of all labor. There is a single labor organization, the General Federation of Trade Unions of Korea. Operating under this umbrella, unions function on the classic "Stalinist model," with responsibility for mobilizing workers to support production goals and for providing health, education, cultural, and welfare facilities.

The country is not a member of, but does have observer status with, the International Labor Organization.

b. The Right to Organize and Bargain Collectively

Workers do not have the right to organize or to bargain collectively. Government ministries set wages. "Ideological purity" may be as important as professional competence in deciding who receives a particular job, and foreign companies that have established joint ventures report that all their employees must be hired from lists submitted by the KWP. Factory and farm workers are organized into councils, which do have an impact on management decisions. Unions do not have the right to strike.

Government officials have claimed that in the labor force "there are no riots, no strikes, and no differences of opinion" with management. It was not clear whether the economic changes being gradually introduced will have an impact on labor practices.

There is one free enterprise zone (FEZ) in the Rajin-Songbon area, and the creation of a Special Administrative Region in Sinuiju was announced in 2002. The same labor laws that applied in the rest of the country applied in the Rajin-Songbon FEZ, and it was believed that workers in the FEZ were carefully screened and selected.

c. Prohibition of Forced or Bonded Labor

In its 2000 and 2001 reports to the U.N. Human Rights Committee, the Government claimed that its laws prohibit forced or bonded labor. However, the Government frequently mobilized the population for construction projects and for mass demonstrations and performances. Military conscripts were routinely used for these purposes as well. "Reformatory labor" and "reeducation through labor" were common punishments for political offenses. Forced labor, such as logging and tending crops, was common among prisoners.

The Constitution requires that all citizens of working age must work and "strictly observe labor discipline and working hours." The Penal Code provides the death penalty for any individual who hinders the country's industry, trade, or the transport system by purposely failing to fulfill a specific duty. It also states that anyone failing to carry out an assigned task properly is subject to at least 5 years in prison (see Section 6.e.).

d. Status of Child Labor Practices and Minimum Age for Employment

According to the Constitution, the State prohibits work by children under the age of 16 years. There was no prohibition on forced labor by children, and school children may be assigned to factories or farms for short periods to help meet production goals (see Section 6.c.).

e. Acceptable Conditions of Work

No data was available on the minimum wage in state-owned industries. Until the mid-1990s food crisis, wages and rations appeared to be adequate to support workers and their families at a subsistence level; however, in recent years that has no longer been the case. Wages are not the primary form of compensation since the State provides all educational and medical needs free of charge, and only token rent is charged. In 1997, KEDO, the international organization charged with implementation of a light-water reactor and other projects under the U.S.-DPRK Agreed Framework of 1994, concluded a protocol and a related memorandum of understanding concerning wages and other working conditions for citizens who work on KEDO projects. Under this protocol, unskilled laborers would have received approximately $110 per month while skilled laborers would have been paid slightly more depending on the nature of the work performed. KEDO and the authorities were unable to agree on implementation of the protocol and only a limited number of laborers were employed. In November, KEDO Executive Board members suspended the project for 1 year effective December 1. According to news reports, workers in factories in an industrial park to be built near the border with South Korea are to be paid $0.26 per hour.

Under laws punishing "anti-Socialist wrecking," even persistent tardiness could be defined as a crime. However, as a result of food shortages, absenteeism reportedly became widespread, as more time had to be spent finding food.

The Constitution stipulates an 8-hour workday; however, several sources reported that most laborers worked from 12 to 16 hours daily when factories were operating. Some of this additional time appeared to include mandatory study of the writings of Kim Il Sung and Kim Jong Il. The Constitution provides all citizens with a "right to rest," including paid leave, holidays, and access to sanitariums and rest homes funded at public expense. Paid leave was provided on public holidays, but on some holidays some persons were required to participate in mass demonstrations involving extra hours of preparation.

Many worksites were hazardous, and the rate of industrial accidents was high. It is believed that workers do not have the right to remove themselves from hazardous working conditions.

f. Trafficking in Persons

There were no known laws specifically addressing the problem of trafficking in persons, and trafficking was a growing problem. There were widespread reports of trafficking in women and young girls into China. Some were sold by their families or by kidnappers as wives or concubines to men in China; others have fled on their own volition to escape starvation and deprivation in North Korea. A network of smugglers reportedly facilitated this trafficking. Many such women, unable to speak Chinese, were held as virtual prisoners, and some were forced to work as prostitutes.

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[1]The United States does not have diplomatic relations with the Democratic People's Republic of Korea. North Korea does not allow representatives of foreign governments, journalists, or other invited guests the freedom of movement that would enable them to assess fully human rights conditions there. This report is based on information obtained over more than a decade, updated where possible by information drawn from recent interviews, reports, and other documentation. While limited in detail, this information is nonetheless indicative of the human rights situation in North Korea today.